

REMARKS / DISCUSSION OF ISSUES

Claims 1-16 are pending in the application; claims 13-16 are newly added.

The applicant thanks the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

The Office action objects to the drawings; corrected drawings are attached.

The applicant thanks the Examiner for the attention to detail with regard to FIG. 5.

The Office action objects to the Abstract; a replacement abstract is submitted herein.

The applicant thanks the Examiner for providing information about recommended section headings in the specification. However, the applicant respectfully declines to add section headings, as they are not required in accordance with MPEP 608.01(a).

The Office action objects to the specification for the use of the European term "building-in space"; the specification is amended to substitute "built-in space".

The Office action objects to the claims. The claims are amended to correct one or more informalities, remove figure label numbers, and/or to replace European-style claim phraseology with American-style claim language. No new matter is added.

The Office action rejects claims 1-5 and 7-9 under 35 U.S.C. 102(b) over Kobayashi (JP10-023591). The applicant respectfully traverses this rejection.

The Examiner's attention is requested to MPEP 2131, wherein it is stated:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, upon which claims 2-8 and 16 depend, claims a driving unit for a loudspeaker assembly that includes a coil part and a magnet part that includes two permanent magnets and an intermediate magnetic pole element that are sandwiched between two external magnetic pole elements, wherein the intermediate magnetic pole element includes a pole face that is directed toward an inner face of the coil part, and the external magnetic pole elements include pole faces that are directed towards an outer face of the coil part. Claim 9, upon which claims 10-15 depend, includes similar structural limitations.

Kobayashi fails to teach external magnetic pole elements that include pole faces that are directed towards an outer face of the coil part.

The Office action asserts that Kobayashi's magnet M4 corresponds to the applicant's claimed external pole elements with pole faces that are directed towards an outer face of a coil part. The applicant respectfully traverses this assertion.

The applicant respectfully maintains that a permanent magnet cannot be considered a pole element, as the term pole element is used in the art, and as the term is used in the applicant's specification and claims. A pole element, as the name implies, provides a single magnetic pole. As illustrated in Kobayashi's FIG. 2, for example, the center pole element Cp, being flanked by the "N" poles of the permanent magnets M1 and M2 will exhibit a single "N" pole effect. Conversely, Kobayashi's permanent magnet M4 possesses both an "N" and "S" pole and exhibits a corresponding dipole effect.

Assuming in argument that Kobayashi's permanent magnet M4 can be considered a pole element, the applicant further notes that Kobayashi's magnet M4 does not include a pole face that is directed toward the outer part of Kobayashi's coil Vc. As claimed in claim 1, the faces of the intermediate pole element and the external pole elements are directed toward the inner and outer faces of the coil part, respectively. As clearly indicated in Kobayashi's FIG. 2, the flux lines of magnet M4 exit M4's pole face in the same direction as the flux lines that exit the center pole element Cp, and not in the direction of the outer face of the coil Vc.

Because Kobayashi fails to teach external pole elements that sandwich a magnet and an intermediate pole element, and because Kobayashi fails to teach that such external pole elements include faces that are directed toward an outer face of a coil, as specifically claimed in each of the applicant's independent claims, the applicant respectfully maintains that the rejection of claims 1-5 and 7-9 under 35 U.S.C. 102(b) over Kobayashi is unfounded, per MPEP 2131.

The Office action rejects:

claims 6 and 12 under 35 U.S.C. 103(a) over Kobayashi and Azima et al. (USP 6,151,402, hereinafter Azima); and

claims 10-11 under 35 U.S.C. 103(a) over Kobayashi and Sakamoto (JP2001-078293). The applicant respectfully traverses these rejections.

The Examiner's attention is requested to MPEP 2142, wherein it is stated:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) **must teach or suggest all the claim limitations**... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

Each of claims 6 and 10-12 is a dependent claim. In these rejections, the Office action relies upon Kobayashi for teaching the elements of claims 1 and 9.

As noted above, Kobayashi fails to teach all of the elements of claims 1 and 9; therefore, the applicant respectfully maintains that the rejections of claims 6 and 10-12 under 35 U.S.C. 103(a) that rely upon Kobayashi for teaching the elements of claims 1 and 9 are unfounded, per MPEP 2142.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Robert M. McDermott, Attorney
Registration Number 41,508
patents@lawyer.com
804-493-0707

Please direct all correspondence to:
Corporate Counsel
U.S. PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001